

DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS

Title 3, California Code of Regulations

Section 3591.13, Guava Fruit Fly Eradication Area

INITIAL STATEMENT OF REASONS/

POLICY STATEMENT OVERVIEW

Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations are Intended to Address

These regulations are intended to address the obligations of the Department of Food and Agriculture to protect the agricultural industry of California and prevent the introduction and spread of injurious plant pests.

Specific Purpose and Factual Basis

The specific purpose of Section 3591.13 is to provide authority for the State to perform eradication activities against guava fruit fly to protect California's agricultural industry.

The factual basis for the determination by the Department that amendment of these regulations was necessary is as follows:

Guava fruit fly (*Bactrocera correcta*) is an insect pest which attacks the fruit of various plants including citrus, guava, mango, peach, and jujube. The female punctures host fruit to lay eggs which develop into larvae. The punctures admit decay organisms that may cause tissue breakdown. Larval feeding causes breakdown of fruit tissue. Fruits with egg punctures and larval feeding are generally unfit for human consumption. Pupae may be found in fruit, but normally are found in soil.

Adult *Bactrocera correcta* have recently been trapped in the county of San Diego. One adult male guava fruit fly was taken from a trap on August 21, 2001 in the San Diego (Mira Mesa) area of San Diego County. A

second adult male guava fruit fly was taken from a trap on August 24, 2001 in the San Diego area. The multiple finds of the fly are indicative of an incipient infestation of the fly in the San Diego area of San Diego County.

If the fly were allowed to spread and become established in host fruit production areas, California's agricultural industry would suffer losses due to decreased production of marketable fruit, increased pesticide use, and loss of markets if other states or countries enacted quarantines against California products.

This amendment of the eradication regulation proclaimed San Diego County as an eradication area. The entire county of San Diego was established as an eradication area because it is the political division which provides the most workable eradication area boundary for exterminating an established guava fruit fly infestation. Fruit which may have already been moved from the infested area to another portion of the county and flies which may have already spread naturally from the infested area may have already resulted in small infestations outside the known infested area. To enable rapid treatment of these small infestations without frequent amendment of the regulation, the entire county was established as an eradication area

This amendment of the regulation provides authority for the State to perform control and eradication activities against guava fruit fly in San Diego County. To prevent spread of the fly to noninfested areas to protect California's agricultural industry, it was necessary to immediately begin treatment activities against the guava fruit fly. Therefore, it was necessary to amend this regulation as an emergency action.

Estimated Cost or Savings to Public Agencies or Affected Private Individuals or Entities

The Department has determined that Section 3591.13 does not impose a mandate on local agencies or school districts. The Department has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from this action.

The Department has determined that the changes in the regulations will have no impact on private persons or businesses.

The Department has determined that the proposed action will not have a significant adverse economic impact on housing costs or California businesses, including the ability of California businesses to compete with businesses in other states. The Department's determination that the action will not have a significant adverse economic impact on businesses was based on the following: This regulation does not place any requirements or restrictions on businesses. This action only provides authority for state eradication activities and does not require reporting, recordkeeping, or compliance by businesses.

Assessment

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Alternatives Considered

The Department of Food and Agriculture must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Information Relied Upon

The Department relied upon the following studies, reports, and documents in the amendment of Section 3591.13:

Pest and Damage Records #P097832 (August 24, 2001) and #P177252 (August 21, 2001), California Department of Food and Agriculture.